

AMENDED IN ASSEMBLY MARCH 9, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1738

Introduced by Assembly Member Washington

January 10, 2000

~~An act to amend Section 49600 of, to add Section 49600.5 to, and to add Article 3.6.1 (commencing with Section 32228.4) to Chapter 2 of Part 19 of, the Education Code, relating to educational counseling, and making an appropriation therefor. An act to amend Sections 32228 and 32228.1 of, and to add Section 32228.4 to, the Education Code, relating to school safety, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1738, as amended, Washington. Educational counseling.

Existing law establishes the Carl Washington School Safety and Violence Prevention Act, which requires the Superintendent of Public Instruction to provide funds to school districts and county offices of education serving pupils in any of grades 8 to 12, inclusive, for the purpose of promoting school safety and reducing schoolsite violence and other specified purposes.

This bill would expand the School Safety and Violence Prevention program to school districts and county offices of education that serve pupils in kindergarten or grades 1 to 12, inclusive, and expand the specified purposes for which funds may be appropriated to participating school districts and

county offices of education. The bill would expand upon the goals of the act, as intended by the Legislature. The bill would also appropriate \$100,000,000 to the Superintendent of Public Instruction for allocation exclusively to school districts or county offices of education for the purposes of the act and authorize the allocation of 1% of the appropriated funds to the Superintendent of Public Instruction for administrative costs and technical assistance required by the act. The funds appropriated by this bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

~~Existing law authorizes the governing board of a school district to provide a comprehensive educational counseling program for all pupils enrolled in the schools in the district.~~

~~This bill would establish the Middle School Counselor Conflict Resolution Program, a 2-year statewide demonstration program, coordinated by the Superintendent of Public Instruction to award grants to middle schools or schools that maintain any of grades 6 to 8, inclusive, for credentialed school counselors trained in conflict resolution. The bill would appropriate \$5,000,000 from the General Fund to the Superintendent of Public Instruction for that program. The funds appropriated by the bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.~~

~~The bill would authorize the governing board of every school district that maintains kindergarten or any of grades 1 to 12, inclusive, to develop a plan for the establishment of a comprehensive education counseling and guidance program.~~

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Article 3.6.1 (commencing with Section~~
- 2 ~~SECTION 1. Section 32228 of the Education Code is~~
- 3 ~~amended to read:~~

32228. (a) It is the intent of the Legislature that public schools serving pupils in *kindergarten or* grades 8 *1* to 12, inclusive, have access to supplemental resources *that provide additional personnel and services* to establish programs and strategies that promote school safety and emphasize violence prevention among children and youth in the public schools.

(b) It is further the intent of the Legislature that schoolsites receiving funds pursuant to this article accomplish all of the following goals:

(1) Teach pupils techniques for resolving conflicts without violence.

(2) Train school staff and administrators to support and promote conflict resolution and mediation techniques for resolving conflicts between and among pupils.

(3) Reduce incidents of violence at the schoolsite.

(4) *Reduce the ratio of pupils to credentialed pupil services personnel. For purposes of this article, credential pupil services personnel shall include, but not be limited to, school counselors, school psychologists, school social workers, and school nurses.*

(5) *Promote and increase pupil participation in peer programs.*

SEC. 2. Section 32228.1 of the Education Code is amended to read:

32228.1. (a) The School Safety and Violence Prevention Act is hereby established. This statewide program shall be administered by the Superintendent of Public Instruction, who shall provide funds to school districts serving pupils in ~~any~~*of* *kindergarten or* grades 8 *1* to 12, inclusive, for the purpose of promoting school safety and reducing schoolsite violence. As a condition of receiving funds pursuant to this article, an eligible school district shall certify, on forms and in a manner required by the Superintendent of Public Instruction, that the funds will be used as described in this section.

(b) From funds appropriated in the annual Budget Act or any other measure, funds shall be allocated to school districts on the basis of prior year enrollment, as

1 reported by the California Basic Educational Data
2 System, of pupils in *kindergarten or grades 8 1* to 12,
3 inclusive, for any one or more of the following purposes:

4 (1) Providing schools with personnel, including, but
5 not limited to, licensed or certificated school counselors,
6 school social workers, school nurses, and school
7 psychologists, who are trained in conflict resolution. Any
8 law enforcement personnel hired pursuant to this article
9 shall be trained and sworn peace officers.

10 (2) Providing effective and accessible on-campus
11 communication devices and other school safety
12 infrastructure needs.

13 (3) Establishing an in-service training program for
14 school staff to learn to identify at-risk pupils, to
15 communicate effectively with those pupils, and to refer
16 those pupils to appropriate counseling.

17 (4) Establishing cooperative arrangements with local
18 law enforcement agencies for appropriate
19 school-community relationships.

20 (5) *Establishing youth-to-youth peer programs at*
21 *schoolsites, including, but not limited to, peer mediation,*
22 *peer helpers, conflict managers, peer education, and peer*
23 *tutoring.*

24 (6) For any other purpose that the school or school
25 district determines that would materially contribute to
26 meeting the goals and objectives of current law in
27 providing for safe schools and preventing violence among
28 pupils.

29 *SEC. 3. Section 32228.4 is added to the Education*
30 *Code, to read:*

31 *32228.4. (a) If any school district chooses not to*
32 *participate individually in the program authorized under*
33 *this article, or if funding available through the program*
34 *authorized under this article would be insufficient to*
35 *conduct the program in accordance with the*
36 *requirements of this article, that district may form a*
37 *consortium with other school districts to participate in the*
38 *program and shall be subject to the provisions of this*
39 *article to the same extent as an individual school district.*

1 (b) If a school district chooses not to participate in the
2 program authorized under this article either individually
3 or as part of a consortium, that portion of funding that the
4 school district would have received for the program shall
5 be distributed on a pro rata basis to participating school
6 districts.

7 SEC. 4. The sum of one hundred million dollars
8 (\$100,000,000) is hereby appropriated from the General
9 Fund to the Superintendent of Public Instruction for
10 allocation exclusively to school districts authorized for the
11 purposes of funding the activities and full participation of
12 the school districts as set forth in Article 3.6 (commencing
13 with Section 32228) of Chapter 2 of Part 19 of the
14 Education Code. To perform the duties of this section, up
15 to one percent of the total funds appropriated for
16 purposes of this section may be allocated to the
17 Superintendent of Public Instruction for administrative
18 costs and technical assistance.

19 ~~32228.4) is added to Chapter 2 of Part 19 of the Education~~
20 ~~Code, to read:~~

21
22 ~~Article 3.6.1. Middle School Counselor Conflict~~
23 ~~Resolution Program~~
24

25 ~~32228.4. (a) The Middle School Counselor Conflict~~
26 ~~Resolution Program, a two-year statewide demonstration~~
27 ~~project, is hereby established and shall be administered~~
28 ~~by the Superintendent of Public Instruction for the~~
29 ~~purpose of awarding grants to middle schools or schools~~
30 ~~that maintain any of grades 6 to 8, inclusive, for~~
31 ~~credentialed school counselors trained in conflict~~
32 ~~resolution. To be eligible for funding of the~~
33 ~~demonstration project, schools or school districts shall~~
34 ~~develop and implement a conflict resolution program~~
35 ~~within a comprehensive educational counseling and~~
36 ~~guidance program pursuant to Sections 49600 and~~
37 ~~49600.5.~~

38 ~~(b) It is the intent of the Legislature that schoolsites~~
39 ~~receiving grants pursuant to this section accomplish all of~~
40 ~~the following goals:~~

- 1 ~~(1) Teach all pupils techniques for resolving conflicts~~
2 ~~without resorting to the use of violence.~~
- 3 ~~(2) Train all school staff and administrators in conflict~~
4 ~~resolution and mediation techniques for conflicts~~
5 ~~between or among pupils and to support and promote~~
6 ~~these programs in their schools.~~
- 7 ~~(3) Reduce the incidence of violence at the schoolsite.~~
- 8 ~~(4) Implement a comprehensive safe school plan that~~
9 ~~includes a comprehensive educational counseling and~~
10 ~~guidance program.~~
- 11 ~~(e) As a condition of receiving a demonstration grant,~~
12 ~~each eligible school or school district shall do all of the~~
13 ~~following:~~
- 14 ~~(1) Certify that a reduction in the ratio of pupils to~~
15 ~~credentialed school counselors is expected to result upon~~
16 ~~implementation of the program established pursuant to~~
17 ~~this section, and that all funds in this section are used to~~
18 ~~supplement and not supplant existing school programs or~~
19 ~~personnel.~~
- 20 ~~(2) Revise school safety plans to show how funding~~
21 ~~received pursuant to the program will be used to provide~~
22 ~~needed assistance to pupils, and submit the revised school~~
23 ~~safety plans pursuant to Sections 35294.1 to 35294.9,~~
24 ~~inclusive.~~
- 25 ~~(3) Hold a public meeting at the schoolsite to allow~~
26 ~~members of the public the opportunity to express~~
27 ~~opinions about the school safety plan.~~
- 28 ~~(4) Encourage all parents of pupils at the school to~~
29 ~~participate in the establishment of a conflict resolution~~
30 ~~program as a component of the comprehensive~~
31 ~~educational counseling program.~~
- 32 ~~(5) Encourage all parents of pupils identified with~~
33 ~~needs that require conflict resolution to participate in~~
34 ~~conflict resolution training.~~
- 35 ~~(6) Develop a comprehensive educational counseling~~
36 ~~program accessible to all pupils pursuant to Sections~~
37 ~~49600 and 49600.5.~~
- 38 ~~(d) The Superintendent of Public Instruction shall~~
39 ~~provide training and technical assistance to schools and~~
40 ~~school districts, and shall evaluate the Middle School~~

~~Counselor Conflict Resolution Program for continuous quality improvement pursuant to this section. This evaluation shall be completed and, notwithstanding Section 7550.5 of the Government Code, shall be submitted to the Governor and the Legislature no later than September 1, 2002.~~

~~(e) To perform the duties of this section, up to 5 percent of the total funds appropriated for purposes of this section may be utilized by the Superintendent of Public Instruction for training and administrative costs.~~

~~(f) The amount of five million dollars (\$5,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction, for the purpose of awarding grants to middle schools or schools that maintain any of grades 6 to 8, inclusive, for the purposes of this article.~~

~~SEC. 2. Section 49600 of the Education Code is amended to read:~~

~~49600. (a) The governing board of any school district may provide a comprehensive educational counseling program for all pupils enrolled in the schools of the district.~~

~~For purposes of this chapter, “educational counseling” means specialized services provided by a school counselor possessing a valid credential with a specialization in pupil personnel services who is assigned specific times to directly counsel pupils.~~

~~(b) Educational counseling shall include, but not be limited to, all of the following:~~

~~(1) Academic counseling, in which pupils receive counseling in the following areas:~~

~~(A) Establishment and implementation with parental involvement of the pupil’s immediate and long-range educational plans.~~

~~(B) Optimizing progress towards achievement of proficiency standards.~~

~~(C) Completion of the required curriculum in accordance with the pupil’s needs, abilities, interests, and aptitudes.~~

~~(D) Academic planning for access and success in higher education programs including advisement on courses needed for admission to public colleges and universities, standardized admissions tests, and financial aid.~~

~~(2) Career and vocational counseling, in which pupils are assisted in doing all of the following:~~

~~(A) Planning for the future.~~

~~(B) Becoming aware of their career potential.~~

~~(C) Developing realistic perceptions of work.~~

~~(D) Relating to the work world.~~

~~(3) Personal and social counseling, in which pupils receive counseling pertaining to interpersonal relationships for the purpose of promoting the development of their academic abilities, careers and vocations, personalities, and social skills.~~

~~(e) Nothing in this section shall be construed as prohibiting persons participating in an organized advisory program approved by the governing board of a school district, and supervised by a school district counselor, from advising pupils pursuant to the organized advisory program.~~

~~(d) Notwithstanding any provisions of this section to the contrary, any person who is performing these counseling services pursuant to law authorizing the performance thereof in effect before January 1, 1987, shall be authorized to continue to perform those services on and after that date without compliance with the additional requirements imposed by this section.~~

~~SEC. 3. Section 49600.5 is added to the Education Code, to read:~~

~~49600.5. (a) The governing board of every school district that maintains kindergarten or any of grades 1 to 12, inclusive, may develop a plan for the establishment of a comprehensive educational counseling and guidance program to be offered at each school within the district.~~

~~(b) These plans shall include all of the following criteria:~~

~~(1) Developmentally appropriate "pupil competencies" that describe the specific knowledge,~~

1 attitudes, and skills that pupils should obtain as a result of
2 participating in an educational counseling program. The
3 pupil competencies shall be organized according to clear
4 standards for the academic, career, personal, and social
5 development of pupils.

6 (2) Whenever relevant, a specific strategy for phasing
7 out noncounseling activities currently being performed
8 by counselors.

9 (3) Provisions to ensure that providing direct
10 prevention and intervention services to pupils, their
11 parents, and teachers shall constitute at least 80 percent
12 of every counselor's time. These services shall address
13 barriers to learning, including, but not limited to, poor
14 study skills, behavioral problems, lack of conflict
15 resolution skills, school violence, substance abuse, and
16 poor attendance.

17 (4) Provisions for links between the educational
18 guidance and counseling program and resources in the
19 community and for interschool coordination among pupil
20 personnel specialists.

21 (5) A statement by the school district that addressed
22 expected pupil outcomes as a result of participation in the
23 comprehensive school guidance and counseling program.

24 (6) A description of specific roles for credentialed
25 school counselors, other pupils services staff, teachers,
26 administrators, and supervised paraprofessionals.

27 (7) Classroom guidance activities.

28 (8) A specific statement of the roles of all support
29 personnel and the institutional supports to ensure
30 support personnel collaboration in all phases of the
31 program's operation.

32 (9) A recommended maximum school counselor to
33 pupil ratio of 1 to 500 in kindergarten or any of grades 1
34 to 5, inclusive, 1 to 400 in grades 6 to 8, inclusive, or 1 to
35 300 in grades 9 to 12, inclusive.

36 (10) Provisions for monitoring, accountability,
37 evaluation, and ongoing training of all support services
38 staff.

39 (c) The provision of comprehensive, prevention
40 oriented counseling and guidance programs shall be

1 ~~based upon criteria that is similar in intent and specific~~
2 ~~content to the National Standards for School counseling~~
3 ~~Programs drafted and adopted by the American School~~
4 ~~Counselor Association and include the following~~
5 ~~components:~~

6 ~~(1) A guidance curriculum.~~

7 ~~(2) Individual counseling services.~~

8 ~~(3) Group counseling services.~~

9 ~~(4) Collaboration with other school and community~~
10 ~~resources.~~

11 ~~(d) Pupils, parents, representatives of community and~~
12 ~~government agencies, and existing advisory committees~~
13 ~~or councils shall collaborate with counselors, teachers,~~
14 ~~and other school personnel to develop the program.~~

15 ~~(e) Credentialed school counselors shall facilitate all~~
16 ~~phases of program planning, implementation, and~~
17 ~~evaluation, in conjunction with other support services~~
18 ~~staff, including school psychologists, school social~~
19 ~~workers, school nurses, and child welfare and attendance~~
20 ~~workers.~~

